

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case

01-CA-291235

Date Filed

2/24/22

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer EASTERN FISHERIES, INC		b. Telephone No. (508) 993-5300
		c. Case No.
		f. Fax No.
d. Address (Street, city, state, and ZIP code) 214 Samuel Barnet Blvd, New Bedford, MA 02745	e. Employer Representative	g. e-mail
		h. Number of workers employed 100 employees
i. Type of Establishment (factory, mine, wholesaler, etc.) FACTORY	j. Identify principal product or service FISH PACKAGING	

The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Eastern supervisors started requiring daily productivity tests. (b) (6), (b) (7)(C) on behalf of many workers voiced (b) (6) concerns to (b) (6), (b) (7)(C) on (b) (6), (b) (7)(C)/22 and also to (b) (6), (b) (7)(C) that this was unfair and only a way to intimidate workers. Workers are not paid by production but by hourly wage. Here, (b) (6) was informed that a meeting would be set up to speak with Eastern leadership about the issue. On (b) (6), (b) (7)(C)/22 (b) (6), (b) (7)(C) was asked to attend a meeting with top officials at Eastern. There (b) (6) voiced (b) (6) concerns on behalf of other workers about the productivity tests and its use to intimidate workers. (b) (6), (b) (7)(C) was fired at that meeting. No interpreter was provided for this meeting, despite (b) (6), (b) (7)(C) request for one. (b) (6), (b) (7)(C) was employed at Eastern through BJ's temporary agency.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

(b) (6), (b) (7)(C)

4a. Address (Street and number, city, state, and ZIP code) (b) (6), (b) (7)(C) [REDACTED]	4b. Telephone No.
	4c. Case No. (b) (6), (b) (7)(C)
	4d. Fax No.
	4e. e-mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

Claudia Morera on behalf of (b) (6), (b) (7)(C)

(signature of representative or person making charge)

(Print/type name and title or office if any)

33 Harrison Ave. Suite 501 Boston, MA 02111

February 24, 2022

Address

Date

Telephone No.

6172762079

Office, if any, Case No.

Fax No.

e-mail

cmorera@jatwork.org

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA) 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 34
450 Main St Ste 410
Hartford, CT 06103-3078

Agency Website: www.nlrb.gov
Telephone: (860)240-3522
Fax: (860)240-3564



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February 25, 2022

EASTERN FISHERIES, INC.
214 SAMUEL BARNET BLVD.
NEW BEDFORD, MA 02745

Re: Eastern Fisheries, Inc.
Case 01-CA-291235

Dear Sir or Madam:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney RICK CONCEPCION whose telephone number is (959)200-7363. If this Board agent is not available, you may contact Assistant to the Regional Director JESSICA FOLEY whose telephone number is (857)317-7786.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly. **Due to the nature of the allegations in the enclosed unfair labor practice charge, we have identified this case as one in which injunctive relief pursuant to Section 10(j) of the Act may be appropriate.** Therefore, in addition to investigating the merits of the unfair labor practice allegations, the

Board agent will also inquire into those factors relevant to making a determination as to whether or not 10(j) injunctive relief is appropriate in this case. Accordingly, please include your position on the appropriateness of Section 10(j) relief when you submit your evidence relevant to the investigation.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Correspondence: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, www.nlr.gov. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

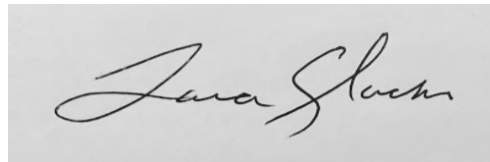
If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Laura Sacks", is centered within a light gray rectangular box.

LAURA A. SACKS
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

EASTERN FISHERIES, INC.

Charged Party

and

(b) (6), (b) (7)(C)

Charging Party

Case 01-CA-291235

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on February 25, 2022, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

Eastern Fisheries, Inc.
214 Samuel Barnet Blvd.
New Bedford, MA 02745

February 25, 2022

Date

Dilirjona Vata, Designated Agent of NLRB

Name

/s/ Dilirjona Vata

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

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February 25, 2022

(b) (6), (b) (7)(C)

Re: Eastern Fisheries, Inc.
Case 01-CA-291235

Dear (b) (6), (b) (7)(C):

The charge that you filed in this case on February 24, 2022 has been docketed as case number 01-CA-291235. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney RICK CONCEPCION whose telephone number is (959)200-7363. If this Board agent is not available, you may contact Assistant to the Regional Director JESSICA FOLEY whose telephone number is (857)317-7786.

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If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Due to the nature of the allegations in the enclosed unfair labor practice charge, we have identified this case as one in which injunctive relief pursuant to Section 10(j) of the Act may be appropriate. Therefore, in addition to investigating the merits of the unfair labor practice allegations, the Board agent will also inquire into those factors relevant to making a determination as to whether or not 10(j) injunctive relief is appropriate in this case. Accordingly, please include your position on the appropriateness of Section 10(j) relief when you submit your evidence relevant to the investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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Correspondence: All documents submitted to the Region regarding your case **MUST** be filed through the Agency's website, www.nlr.gov. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

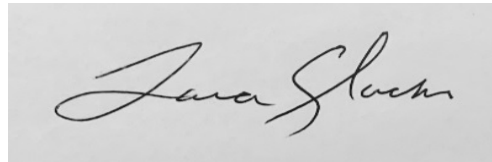
In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB

office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, reading "Laura Sacks", is centered within a rectangular box. The signature is written in a cursive, flowing style.

LAURA A. SACKS
Regional Director

cc: CLAUDIA MORERA, ATTORNEY
33 HARRISON AVE SUITE 501
BOSTON, MA 02111

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

EASTERN FISHERIES, INC.

and

(b) (6), (b) (7)(C)

CASE 01-CA-291235

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____
EASTERN FISHERIES, INC.

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☐ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: John F. Whiteside, Jr.
MAILING ADDRESS: 678 State Road, Dartmouth, MA 02747
E-MAIL ADDRESS: John@JWhiteside.com
OFFICE TELEPHONE NUMBER: 508-991-3333
CELL PHONE NUMBER: _____ FAX: _____
SIGNATURE: 
(Please sign in ink.)
DATE: 3/17/2022

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

AMENDED

DO NOT WRITE IN THIS SPACE

Case
01-CA-291235Date Filed
3/29/2022

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Eastern Fisheries, Inc and B.J.s Service Company, Inc ("BJs") (Joint employers).		b. Tel. No. (508) 993-5300
		c. Cell No.
		f. Fax. No.
d. Address (Street, city, state, and ZIP code) Eastern: 214 Samuel Barnet Blvd New Bedford, MA 02745 BJs: 222 Herman Melville Blvd New Bedford, MA 02740	e. Employer Representative	g. e-mail
		h. Number of workers employed 100 employees
i. Type of Establishment (factory, mine, wholesaler, etc.) FACTORY	j. Identify principal product or service FISH PACKAGING	

The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Eastern supervisors started requiring daily productivity tests. (b) (6), (b) (7)(C) on behalf of many workers voiced (b) (6) concerns to (b) (6), (b) (7)(C) on (b) (6), (b) (7)(C) 2/22 and also to (b) (6), (b) (7)(C) that this was unfair and only a way to intimidate workers. Workers are not paid by production but by hourly wage. Here, (b) (6) was informed that a meeting would be set up to speak with Eastern leadership about the issue. On (b) (6), (b) (7)(C) 2/22 (b) (6), (b) (7)(C) was asked to attend a meeting with top officials at Eastern. There (b) (6) voiced (b) (6) concerns on behalf of other workers about the productivity tests and its use to intimidate workers. (b) (6) was fired at that meeting. No interpreter was provided for this meeting, despite (b) (6), (b) (7)(C) request for one. (b) (6), (b) (7)(C) was employed at Eastern through BJ's temporary agency. BJ's has not yet found (b) (6), (b) (7)(C) other employment despite (b) (6) multiple calls and communications with them.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

(b) (6), (b) (7)(C)

4a. Address (Street and number, city, state, and ZIP code)

(b) (6), (b) (7)(C)

4b. Tel. No.

4c. Cell No.

(b) (6), (b) (7)(C)

4d. Fax No.

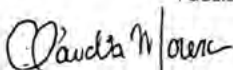
4e. e-mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

Claudia Morera on behalf of (b) (6), (b) (7)(C)



(signature of representative or person making charge)

(Print/type name and title or office, if any)

Tel. No.

6172762079

Office, if any, Cell No.

Fax No.

e-mail

cmorera@jatwork.org

33 Harrison Ave. Suite 501 Boston, MA 02111

March 29, 2022

Address

Date

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

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UNITED STATES GOVERNMENT
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April 7, 2022

Eastern Fisheries, Inc.
214 Samuel Barnet Blvd.
New Bedford, MA 02745

B.J.s Service Company, Inc. (BJs)
222 Herman Melville Blvd
New Bedford, MA 02740-7344

Re: Eastern Fisheries, Inc. and B.J.s Service
Company, Inc. (BJs), joint employers
Case 01-CA-291235

Dear Sir or Madam:

Enclosed is a copy of the first amended charge that has been filed in this case.

Investigator: This charge is being investigated by Field Attorney RICK CONCEPCION whose telephone number is (959)200-7363. If the agent is not available, you may contact Assistant to the Regional Director JESSICA FOLEY whose telephone number is (857)317-7786.

Presentation of Your Evidence: As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

April 7, 2022

Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlr.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

Laura A. Sacks
Regional Director

A handwritten signature in black ink that reads "Michael C. Cass". The signature is written in a cursive, flowing style.

By:

Michael C. Cass
Officer in Charge

Enclosure: Copy of first amended charge

cc: John F. Whiteside, Esq.
Law Offices of John F. Whiteside, Jr.
678 State Rd
Dartmouth, MA 02747-1809

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

EASTERN FISHERIES, INC.

Charged Party

and

(b) (6), (b) (7)(C) AN INDIVIDUAL

Charging Party

Case 01-CA-291235

AFFIDAVIT OF SERVICE OF FIRST AMENDED CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on April 7, 2022, I served the above-entitled document(s) by email and regular mail upon the following persons, addressed to them at the following addresses:

John F. Whiteside JR., Esq.
Law Offices of John F. Whiteside, Jr.
678 State Rd
Dartmouth, MA 02747-1809

Eastern Fisheries, Inc.
214 Samuel Barnet Blvd.
New Bedford, MA 02745

B.J.s Service Company, Inc. (BJs)
222 Herman Melville Blvd
New Bedford, MA 02740-7344

April 7, 2022

Date

Marcelina Cabrera, Designated Agent of
NLRB

Name

Marcelina Cabrera

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 34
450 Main St Ste 410
Hartford, CT 06103-3078

Agency Website: www.nlrb.gov
Telephone: (860)240-3522
Fax: (860)240-3564



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Mobile App

April 7, 2022

Claudia Morera, Esq.
33 Harrison Ave
Suite 501
Boston, MA 02111

Re: Eastern Fisheries, Inc. and B.J.s Service
Company, Inc. (BJs), joint employers
Case 01-CA-291235

Dear Ms. Morera:

We have docketed the first amended charge that you filed in this case.

Investigator: This charge is being investigated by Field Attorney RICK CONCEPCION whose telephone number is (959)200-7363. If the agent is not available, you may contact Assistant to the Regional Director JESSICA FOLEY whose telephone number is (857)317-7786.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the first amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn

April 7, 2022

statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlr.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

Laura A. Sacks
Regional Director

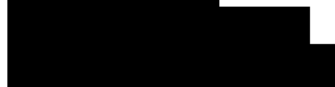


By:

Michael C. Cass
Officer in Charge

cc:

(b) (6), (b) (7)(C)



NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Eastern Fisheries, Inc.
Individual and

CASE 01-CA-291235

Eastern Fisheries, Inc. and B.J.s Service Company, Inc. (BJs), joint employers

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____
Eastern Fisheries, Inc.

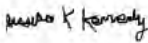
IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☒ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME:	Jessica Kish Kennedy
MAILING ADDRESS:	111 Huntington Avenue, Suite 719 Boston MA
E-MAIL ADDRESS:	jkkenedy@ohaganmeyer.com
OFFICE TELEPHONE NUMBER:	6178436805
CELL PHONE NUMBER:	6172913296
FAX:	
SIGNATURE:	
DATE:	Friday, September 16, 2022 11:26 AM Eastern Standard Time

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

B.J.S SERVICE COMPANY, INC.

and

(b) (6), (b) (7)(C)

CASE 01-CA-291235

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____

B.J.S SERVICE COMPANY, INC.

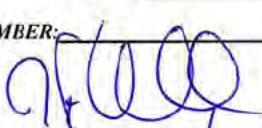
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(REPRESENTATIVE INFORMATION)

NAME: John F. Whiteside, Jr.	
MAILING ADDRESS: 678 State Road, Dartmouth, MA 02747	
E-MAIL ADDRESS: John@JWhiteside.com	
OFFICE TELEPHONE NUMBER: 508-991-3333	
CELL PHONE NUMBER:	FAX:
SIGNATURE: 	
DATE: (Please sign in ink.) 9/22/2002	

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NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Eastern Fisheries, Inc.

and

CASE 01-CA-291235

(b) (6), (b) (7)(C)

☐ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____
Eastern Fisheries, Inc.

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

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(REPRESENTATIVE INFORMATION)

NAME: Jessica Kish Kennedy, Esq.

MAILING ADDRESS: O'Hagan Meyer PLLC, 111 Huntington Avenue, Suite 719, Boston MA 02199

E-MAIL ADDRESS: jkkennedy@ohaganmeyer.com

OFFICE TELEPHONE NUMBER: 617-843-6805

CELL PHONE NUMBER: 617-291-3296 FAX: 617-843-6805

SIGNATURE: Jessica Kish Kennedy

(Please sign in ink.) DATE: Sept. 16, 2022

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NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Eastern Fisheries, Inc.
and
Individual

CASE 01-CA-291235

Eastern Fisheries, Inc. and B.J.s Service
Company, Inc., joint employers

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____
(b) (6), (b) (7)(C)

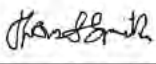
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(REPRESENTATIVE INFORMATION)

NAME:	Thomas L. Smith		
MAILING ADDRESS:	33 Harrison Ave, 501 Boston MA		
E-MAIL ADDRESS:	tsmith@jatwork.org		
OFFICE TELEPHONE NUMBER:	6176908169		
CELL PHONE NUMBER:		FAX:	
SIGNATURE:			
DATE:	(Please sign in ink.) Thursday, October 6, 2022 2:34 PM Eastern Standard Time		

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 01/SUBREGION 34

EASTERN FISHERIES, INC. AND B.J.'S
SERVICE COMPANY, INC. (A JOINT
EMPLOYER)

Case 01-CA-291235

and

(b) (6), (b) (7)(C) AN INDIVIDUAL

COMPLAINT AND NOTICE OF HEARING

This Complaint and Notice of Hearing is based on a charge filed by (b) (6), (b) (7)(C) an individual (b) (6), (b) (7)(C). It is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq., and Section 102.15 of the Board's Rules and Regulations and alleges that Eastern Fisheries, Inc. (Respondent Eastern) and B.J.'s Service Company, Inc. (Respondent BJ's) (a Joint Employer) (collectively Respondents), violated the Act, as described below.

1. (a) The charge in this proceeding was filed by (b) (6), (b) (7)(C) on February 24, 2022, and a copy was served on Respondent Eastern by regular U.S. Mail on February 25, 2022.

(b) The amended charge in this proceeding was filed by (b) (6), (b) (7)(C) on March 29, 2021, and a copy was served on Respondents by regular U.S. Mail on April 7, 2021.

2. (a) At all material times, Respondent Eastern, a Massachusetts corporation with an office and place of business located at 214 Samuel Barnet Blvd., New Bedford, Massachusetts (its facility), has been engaged in the business of harvesting, importing, and distributing seafood.

(b) Annually, Respondent Eastern purchases and receives at its facility goods valued in excess of \$50,000 from points directly from points outside the Commonwealth of Massachusetts.

(c) Annually, Respondent Eastern sells and ships from its facility goods valued in excess of \$50,000 to customers outside the Commonwealth of Massachusetts.

(d) At all material times, Respondent BJ's, a Massachusetts corporation with an office and place of business located at 222 Herman Melville Blvd., New Bedford, Massachusetts, has been engaged in the business of providing temporary employees to companies for varying periods of time.

(e) During the 12-month period ending October 31, 2022, Respondent BJ's provided temporary employment services valued in excess of \$50,000 in States other than the Commonwealth of Massachusetts.

3. (a) At all material times, Respondent Eastern and Respondent BJ's have been parties to a contract which provides that Respondent BJ's is the agent for Respondent Eastern in connection with hiring employees at Respondent Eastern's facility.

(b) At all material times, Respondent Eastern has possessed control over the labor relations policy of Respondent BJ's and has administered a common labor policy with Respondent BJ's for the employees identified in paragraph 7 below.

(c) At all material times, Respondent BJ's and Respondent Eastern have been joint employers of the employees identified in paragraph 7 below.

4. At all material times, Respondent Eastern and Respondent BJ's have each been employers engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

5. At all material times, (b) (6), (b) (7)(C) has been an agent of Respondent BJ's within the meaning of Section 2(3) of the Act.

6. At all material times, the following individuals have held the positions set forth opposite their respective names and have been supervisors of Respondents within the meaning of Section 2(11) of the Act and agents of Respondents within the meaning of Section 2(13) of the Act:

(b) (6), (b) (7)(C)	---	(b) (6), (b) (7)(C)	Respondent Eastern
	---	(b) (6), (b) (7)(C)	Respondent Eastern
	---	(b) (6), (b) (7)(C)	Respondent Eastern

(b) (6), (b) (7)(C)	---	(b) (6), (b) (7)(C)	Respondent Eastern
	---	(b) (6), (b) (7)(C)	Respondent BJ's
	---	(b) (6), (b) (7)(C)	Respondent BJ's
	---	(b) (6), (b) (7)(C)	Respondent BJ's

7. About (b) (6), (b) (7)(C) 2022, Respondents' employee (b) (6), (b) (7)(C) engaged in concerted activity with other employees for the purposes of mutual aid and protection by protesting working conditions at Respondent Eastern's facility, including by protesting conditions related to performance tests and production times, and supervision's bathroom usage restrictions.

8. About (b) (6), (b) (7)(C) 2022, Respondents discharged (b) (6), (b) (7)(C).

9. Respondents engaged in the conduct described above in paragraph 8 because (b) (6), (b) (7)(C) engaged in the concerted activities described above in paragraph 7.

10. By the conduct described in paragraphs 8 and 9, Respondents have been interfering with, restraining and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

11. Respondents' unfair labor practices described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

WHEREFORE, as part of the remedy for the unfair labor practices alleged above, the General Counsel seeks an order requiring that at a meeting or meetings scheduled to ensure the widest possible attendance, Respondents' representatives read the notice to the employees in English, Spanish and Quiche, on work time in the presence of a Board agent. Alternatively, the General Counsel seeks an order requiring that Respondent promptly have a Board agent read the notice to employees during work time in the presence of Respondent's supervisors and agents identified above in paragraph 6; and the training of owners, supervisors and managers regarding employee rights under the Act.

The General Counsel further seeks all other relief as may be just and proper to remedy the unfair labor practices alleged, including an order requiring that (b) (6), (b) (7)(C) be made whole, including reasonable consequential damages incurred as a result of the Respondent's unlawful conduct.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer must be **received by this office on or before November 18, 2022.** Respondent also must serve a copy of the answer on each of the other parties.

The answer must be filed electronically through the Agency's website. To file electronically, go to www.nlr.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. Responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on Wednesday, February 15, 2023, at 10:00 a.m. at the Thomas P. O'Neill Jr. Federal Building, 10 Causeway Street, Suite 1002, Boston, Massachusetts, and on consecutive days thereafter until concluded, a

hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding has the right to appear and present testimony regarding the allegations in this consolidated complaint.

The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated: November 4, 2022

A handwritten signature in black ink, appearing to read "Laura Sacks", written in a cursive style.

Laura A. Sacks, Regional Director
National Labor Relations Board
Region 01

Attachments

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE for Case 01-CA-291235

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements ***will not be granted*** unless good and sufficient grounds are shown ***and*** the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in ***detail***;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

Eastern Fisheries, Inc.
214 Samuel Barnet Blvd.
New Bedford, MA 02745
Certified Mail

B.J.'s Service Company, Inc.
222 Herman Melville Blvd
New Bedford, MA 02740-7344
Certified Mail

(b) (6), (b) (7)(C)

Regular Mail

Jessica Kish Kennedy, Atty.
O'Hagan Meyer
111 Huntington Avenue, Suite 719
Boston, MA 02199
Email: jkkennedy@ohaganmeyer.com

John F. Whiteside Jr., Esq.
Law Offices of John F. Whiteside, Jr.
678 State Rd
Dartmouth, MA 02747-1809
Email: john@jwhiteside.com

Claudia Morera, Esq.
Thomas L. Smith, Esq.
Justice at Work, Inc.
33 Harrison Ave., Suite 501
Boston, MA 02111
Email: cmorera@jatwork.org
Email: tsmith@jatwork.org

Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf.

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at www.nlr.gov, click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement. The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered

in evidence. If a copy of any exhibit is not available when the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.
- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.
- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.
- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.
- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 01/SUBREGION 34**

**EASTERN FISHERIES, INC. AND B.J.'S
SERVICE COMPANY, INC. (A JOINT
EMPLOYER)**

and

(b) (6), (b) (7)(C) AN INDIVIDUAL

Case 01-CA-291235

**AFFIDAVIT OF SERVICE OF: COMPLAINT AND NOTICE OF HEARING
(with forms NLRB-4338 and NLRB-4668 attached)**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on **November 4, 2022**, I served the above-entitled document(s) by **electronic, regular or certified mail**, as noted below, upon the following persons, addressed to them at the following addresses:

Eastern Fisheries, Inc.
214 Samuel Barnet Blvd.
New Bedford, MA 02745
Certified Mail

Jessica Kish Kennedy, Atty.
O'Hagan Meyer
111 Huntington Avenue, Suite 719
Boston, MA 02199
Email: jkennedy@ohaganmeyer.com

B.J.'s Service Company, Inc.
222 Herman Melville Blvd
New Bedford, MA 02740-7344
Certified Mail

John F. Whiteside Jr., Esq.
Law Offices of John F. Whiteside, Jr.
678 State Rd
Dartmouth, MA 02747-1809
Email: john@jwhiteside.com

(b) (6), (b) (7)(C)

Regular Mail

Claudia Morera, Esq.
Thomas L. Smith, Esq.
Justice at Work, Inc.
33 Harrison Ave., Suite 501
Boston, MA 02111
Email: cmorera@jatwork.org
Email: tsmith@jatwork.org

Dated: November 4, 2022

Elizabeth C. Person, Designated Agent of NLRB

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE for Case 01-CA-291235

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- (2) Grounds must be set forth in ***detail***;
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Certified Mail

(b) (6), (b) (7)(C)

Regular Mail

Jessica Kish Kennedy, Atty.
O'Hagan Meyer
111 Huntington Avenue, Suite 719
Boston, MA 02199
Email: jkkennedy@ohaganmeyer.com

John F. Whiteside Jr., Esq.
Law Offices of John F. Whiteside, Jr.
678 State Rd
Dartmouth, MA 02747-1809
Email: john@jwhiteside.com

Claudia Morera, Esq.
Thomas L. Smith, Esq.
Justice at Work, Inc.
33 Harrison Ave., Suite 501
Boston, MA 02111
Email: cmorera@jatwork.org
Email: tsmith@jatwork.org

Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf.

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at www.nlr.gov, click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement. The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered

in evidence. If a copy of any exhibit is not available when the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.
- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.
- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.
- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.
- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.

United States of America
Before the National Labor Relations Board
Region 01 and Subregion 34

EASTERN FISHERIES, INC. AND B.J.'S
SERVICE COMPANY, INC.

Case: 01-CA-291235

and

(b) (6), (b) (7)(C) AN INDIVIDUAL

**ANSWER OF B.J.'S SERVICE COMPANY, INC. TO
COMPLAINT AND NOTICE OF HEARING**

Respondent B.J.'s Service Company, Inc. (hereafter "Respondent BJs") hereby responds to the Complaint and Notice of Hearing dated November 4, 2022 and says as follows:

1.

- a) Paragraph 1(a) does not pertain to Respondent BJs and therefore, no answer is required.

To the extent a response is required, Respondent BJs neither admits nor denies as Respondent BJs lacks knowledge or information sufficient to form a belief as to the truth thereof. To the extent a response is required, the allegations are denied.

- b) The allegations in Paragraph 1(b) set forth a series of legal conclusions and therefore an answer is not required, but to the extent an answer is required Respondent BJs denies.

2.

- a) Respondent BJs neither admits nor denies as Respondent BJs lacks knowledge or information sufficient to form a belief as to the truth thereof. To the extent a response is required, the allegations are denied.

- b) Respondent BJs neither admits nor denies as Respondent BJs lacks knowledge or information sufficient to form a belief as to the truth thereof. To the extent a response is required, the allegations are denied.

- c) Respondent BJs neither admits nor denies as Respondent BJs lacks knowledge or information sufficient to form a belief as to the truth thereof. To the extent a response is required, the allegations are denied.
 - d) Admit.
 - e) Admit.
- 3.
- a) Denied.
 - b) Denied.
 - c) Denied.
4. As to the portion of the allegation regarding Eastern Fisheries, Inc. (hereafter “Respondent Eastern”): Respondent BJs neither admits nor denies as Respondent BJs lacks knowledge or information sufficient to form a belief as to the truth thereof, and to the extent a response is required, the allegations are denied. As to the portion of the allegation regarding Respondent BJs: Admit.
5. Denied.
6. As to the portion of the allegation regarding Respondent Eastern: Respondent BJs neither admits nor denies as Respondent BJs lacks knowledge or information sufficient to form a belief as to the truth thereof, and to the extent a response is required, the allegations are denied. As to the portion of the allegation regarding Respondent BJs: Paragraph 6 sets forth a series of legal conclusions and therefore an answer is not required, but to the extent an answer is required Respondent BJs denies.
7. Denied.
8. Denied.

9. Denied.

10. Denied.

11. Denied.

AFFIRMATIVE DEFENSES

1. The Complaint is barred by the doctrine of unclean hands.
2. The Complaint is barred by the doctrine of waiver.
3. The Complaint is barred by the doctrine of estoppel.
4. The Complaint is barred by the doctrine of laches.
5. The Complaint is barred by the doctrine of equitable estoppel.
6. The Complaint is barred in whole or in part by (b) (6), (b) (7)(C) own conduct.
7. The Complaint is barred in whole or in part by violation of 18 U.S.C. §1001.
8. The allegations of the Complaint do not support recovery under the National Labor Relations Act because some or all of them fail to state a claim.
9. Some or all of the allegations of the Complaint fall outside the scope of the underlying charges.
10. Respondent BJs did not unlawfully discourage (b) (6), (b) (7)(C) or any of its employees from engaging in protected concerted activities.
11. Respondent BJs denies all allegations not expressly admitted.
12. Respondent BJs at all times relevant acted in good faith.
13. Some or all of the claims asserted in the Complaint are barred by the six month statute of limitations set forth in § 10(b) of the NLRA.
14. The Complaint is barred by any other matter constituting an avoidance or affirmative defense.

15. Respondent BJs reserves the right to assert additional affirmative defenses in this matter prior to trial.

B.J.'s Service Company, Inc.
By its attorney,

John F. Whiteside, Jr.
John F. Whiteside, Jr.
Law Office of John F. Whiteside, Jr., P.C.
678 State Road
Dartmouth, MA 02747
(508) 991-3333
BBO #646541
john@jwhiteside.com

Dated: 11/17/2022

CERTIFICATE OF SERVICE

I, John F. Whiteside, Jr., hereby certify that on the 17th day of November 2022, I served the Answer of B.J.'s Service Company, Inc. to the Complaint and Notice of Hearing on the National Labor Relations Board by causing an original to be electronically filed and copies mailed and/or emailed as follows:

Jessica Kish Kennedy, Esq.
O'Hagan Meyer
111 Huntington Ave., Suite 719
Boston, MA 02199
jkkennedy@ohaganmeyer.com

Claudia Morera, Esq.
33 Harrison Ave., Suite 501
Boston, MA 02111
cmorera@jatwork.org

Laura A. Sacks
Regional Director
National Labor Relations Board – Region 1
Thomas P. O'Neill Federal Building
10 Causeway Street, 6th Floor
Boston, MA 02222-1001

(b) (6), (b) (7)(C)

Date: 11/17/2022

John F. Whiteside, Jr.
John F. Whiteside, Jr.

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 01/SUBREGION 34**

_____)	
EASTERN FISHERIES, INC.)	
)	
Respondent,)	
)	
and)	
)	
(b) (6), (b) (7)(C))	
)	
An Individual and)	
Charging Party.)	
_____)	

Case No: 01-CA-291235

EASTERN FISHERIES, INC.'S ANSWER TO COMPLAINT

Respondent Eastern Fisheries, Inc. ("Eastern" or "Respondent"), by the undersigned attorneys, in answer to the Complaint and Notice of Hearing filed by the Regional Director on November 4, 2022, states the following:

GENERAL DENIAL

Except as otherwise expressly stated herein, Eastern denies each and every allegation contained in the Complaint, including, without limitation, any allegations contained in the preamble, headings, or subheadings of the Complaint, and Eastern specifically denies that it violated the National Labor Relations Act ("NLRA") in any of the manners alleged in the Complaint or any other manner. Pursuant to Section 102.20 of the Board's rules, averments in the Complaint to which no responsive pleading is required shall be deemed as denied. Eastern expressly reserves the right to seek to amend and/or supplement its Answer as may be necessary.

RESPONSES TO ALLEGATIONS OF THE COMPLAINT

1.(a) Admit.

1.(b) Denied.

2.(a) Admit.

2.(b) Admit.

2.(c) Admit.

2.(d) Eastern lacks sufficient information to admit or deny the allegations in Paragraph 2.(d) of the Complaint, and they should be considered denied.

2.(e) Eastern lacks information sufficient to admit or deny the allegations in Paragraph 2.(e) of the Complaint, and they should be considered denied.

3.(a) The allegations in Paragraph 3(a) contain legal conclusions to which no response is required. Eastern is without knowledge sufficient to admit or deny the allegations in Paragraph 3.(a) that pertain to Respondent BJs. To the extent that the allegations in Paragraph 3.(a) contain allegations against Eastern to which a response is required, those allegations are denied.

3.(b) The allegations in Paragraph 3.(b) contain legal conclusions to which no response is required. Eastern is without knowledge sufficient to admit or deny the allegations in Paragraph 3.(b) that pertain to Respondent BJs. To the extent that the allegations in Paragraph 3.(b) contain allegations against Eastern to which a response is required, those allegations are denied.

3.(c) The allegations in Paragraph 3.(c) contain conclusions of law to which no response by Eastern is required. To the extent that the allegations in Paragraph 3.(c) contain allegations against Eastern to which a response is required, those allegations are denied.

4. The allegations in Paragraph 4 contain legal conclusions to which no response is required. Eastern is without knowledge sufficient to admit or deny the allegations in Paragraph 4 that pertain to Respondent BJs.

5. The allegations in Paragraph 5 contain legal conclusions to which no response is required. Eastern is without knowledge sufficient to admit or deny the allegations in Paragraph 5 that pertain to Respondent BJs.

6. The allegations in Paragraph 6 contain conclusions of law to which no response is required. Eastern lacks knowledge or information sufficient to formulate a response to the allegations in Paragraph 6 that pertain to Respondent BJs. To the extent that Paragraph 6 contains allegations against Eastern, those allegations are denied, except that Eastern admits the following identified individuals in Paragraph 6 are agents or supervisors at Eastern: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C).

7. The allegations in Paragraph 7 contain conclusions of law to which no response by Eastern is required. Eastern is without knowledge sufficient to admit or deny the allegations in Paragraph 7 that pertain to Respondent BJs. To the extent that the allegations in Paragraph 7 contain allegations against Eastern to which a response is required, those allegations are denied.

8. Eastern denies that it discharged (b) (6), (b) (7)(C). Eastern is without knowledge sufficient to admit or deny the allegations in Paragraph 8 that pertain to BJs.

9. The allegations in Paragraph 9 contain conclusions of law to which no response by Eastern is required. Eastern is without knowledge sufficient to admit or deny the allegations in Paragraph 9 that pertain to Respondent BJs. To the extent that the allegations in Paragraph 9 contain allegations against Eastern to which a response is required, those allegations are denied.

10. The allegations in Paragraph 10 contain conclusions of law to which no response by Eastern is required. Eastern is without knowledge sufficient to admit or deny the allegations in Paragraph 10 that pertain to Respondent BJs. To the extent that the allegations in Paragraph 10 contain allegations against Eastern to which a response is required, those allegations are denied.

11. Eastern denies it committed any unfair labor practices. To the extent that the remaining allegations in Paragraph 11 contain conclusions of law, no response by Eastern is required. Eastern is without knowledge sufficient to admit or deny the allegations in Paragraph 11 that pertain to Respondent BJs. To the extent that the remaining allegations in Paragraph 11 contain allegations against Eastern to which a response is required, those allegations are denied.

DEFENSES

Without assuming any burden of proof, persuasion, or production not otherwise legally assigned to it as any element of the claims alleged in the Complaint, Eastern asserts the following defenses:

1. The Complaint and each purported claim for relief stated therein fail to allege sufficient facts to state a claim upon which relief may be granted.

2. Eastern's decision to conduct productivity testing in the new facility was based upon a variety of factors, including the need to assess work flow and productivity to ensure

accurate and fair pricing of Eastern's products. Eastern's decision to conduct productivity testing, and the decision to reassign [REDACTED], was not designed to retaliate against [REDACTED] for any protected activity.

3. Eastern's conduct was not inherently destructive of [REDACTED] (or any employee's) rights under the NLRA because an intent to mitigate the adverse economic impact of slow productivity is not inherently destructive of a protected employee right under the Act.

4. Eastern has not violated Section 8(a)(1) of the NLRA as it has not interfered with, restrained, or coerced [REDACTED] and/or Eastern employees in exercise of their rights protected by the NLRA.

5. The remedy requested in the Complaint is impermissibly punitive and would cause hardship on Eastern, as productivity testing is essential to economically feasible pricing of its products. Moreover, none of the complained actions caused any hardship on Eastern employees.

6. Assuming *arguendo* any allegation in the Complaint is found to be a violation, it is a *de minimis* violation that does not warrant the issuance of a remedial order.

7. The remedy sought in the Complaint is improper and without substantial justification, because Eastern has not violated Section 8(a)(1) of the NLRA. Moreover, the Complaint seeks to infringe on Eastern's rights by seeking to limit its freedom to contract, guaranteed under both state and federal law, by alleging that Eastern's legitimate business conduct was inherently unlawful.

8. Some or all of the claims asserted in the Complaint are barred by the six-month statute of limitations set forth in Section 10(b) of the NLRA.

Eastern reserves the right to raise any additional defenses not asserted herein of which it may become aware through investigation, as may be appropriate at a later time.

WHEREFORE, Respondent requests that the Complaint be dismissed in its entirety.

Dated: November 17, 2022

Respectfully submitted,
EASTERN FISHERIES, INC.
By its attorneys,

/s/ Jessica Kish Kennedy

Jessica Kish Kennedy, BBO#560478
O'HAGAN MEYER, PLLC
111 Huntington Avenue
Suite 719
Boston, MA 02199
(617) 843-6805
jkkennedy@ohaganmeyer.com

CERTIFICATE OF SERVICE

I, Jessica Kish Kennedy, certify that a copy of Respondent's Answer was electronically served on November 17, 2022 to the following parties:

John W. Whiteside, Jr., Esq.
Law Office of John W. Whiteside, Jr.
678 State Road
Dartmouth, MA 02747-1809

Claudia Morera, Esq.
Thomas C. Smith, Esq.
Justice at Work, Inc.
33 Harrison Avenue, Suite 501
Boston, MA 02111

/s/ Jessica Kish Kennedy

Jessica Kish Kennedy

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 1 - SUBREGION 34**

EASTERN FISHERIES, INC. AND B.J.'S
SERVICE COMPANY, INC. (A JOINT
EMPLOYER)

and

(b) (6), (b) (7)(C) AN INDIVIDUAL

Case No. 01-CA-291235

NOTICE OF INTENT TO AMEND COMPLAINT

At the hearing before Administrative Law Judge Christine Dibble in the above-captioned matter, which is scheduled for hearing on February 15, 2023, Counsel for the General Counsel intends to amend paragraphs one and six of the Complaint and Notice of Hearing in the following manner:

1. (a) The charge in this proceeding was filed by (b) (6), (b) (7)(C) on February 24, 2022, and a copy was served on Respondent Eastern by regular U.S. Mail on February 25, 2022.

(b) The amended charge in this proceeding was filed by (b) (6), (b) (7)(C) on March 29, 2022, and a copy was served on Respondents by regular U.S. Mail on April 7, 2022.

6. At all material times, the following individuals have held the positions set forth opposite their respective names and have been supervisors of Respondents within the meaning of Section 2(11) of the Act and agents of Respondents within the meaning of Section 2(13) of the Act:

(b) (6), (b) (7)(C)	---	(b) (6), (b) (7)(C)	Respondent Eastern
	---	(b) (6), (b) (7)(C)	Respondent Eastern
	---	(b) (6), (b) (7)(C)	Respondent Eastern

(b) (6), (b) (7)(C) --- (b) (6), (b) (7)(C)
Respondent Eastern
--- (b) (6), (b) (7)(C) Respondent Eastern
--- (b) (6), (b) (7)(C) Respondent BJ's
--- (b) (6), (b) (7)(C)
Respondent BJ's
--- (b) (6), (b) (7)(C)
Respondent BJ's

Dated at Boston, Massachusetts, this 31st day of January, 2023.

Meredith Garry

Meredith Garry
Counsel for the General Counsel
National Labor Relations Board
Region 1/Subregion 34
Boston, Massachusetts

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 01/SUBREGION 34**

**EASTERN FISHERIES, INC. AND B.J.'S
SERVICE COMPANY, INC. (A JOINT
EMPLOYER)**

and

(b) (6), (b) (7)(C) AN INDIVIDUAL

Case 01-CA-291235

AFFIDAVIT OF SERVICE OF: NOTICE OF INTENT TO AMEND COMPLAINT

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on **February 1, 2023**, I served the above-entitled document(s) by **electronic or regular mail**, as noted below, upon the following persons, addressed to them at the following addresses:

Eastern Fisheries, Inc.
214 Samuel Barnet Blvd.
New Bedford, MA 02745
Regular Mail

Jessica Kish Kennedy, Atty.
O'Hagan Meyer
111 Huntington Avenue, Suite 719
Boston, MA 02199
Email: jkennedy@ohaganmeyer.com

B.J.'s Service Company, Inc.
222 Herman Melville Blvd
New Bedford, MA 02740-7344
Regular Mail

John F. Whiteside Jr., Esq.
Law Offices of John F. Whiteside, Jr.
678 State Rd
Dartmouth, MA 02747-1809
Email: john@jwhiteside.com

(b) (6), (b) (7)(C)

Regular Mail

Claudia Morera, Esq.
Thomas L. Smith, Esq.
Justice at Work, Inc.
33 Harrison Ave., Suite 501
Boston, MA 02111
Email: cmorera@jatwork.org
Email: tsmith@jatwork.org

Dated: February 1, 2023

Elizabeth C. Person, Designated Agent of NLRB

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 01**

**EASTERN FISHERIES, INC. AND B.J.'S
SERVICE COMPANY, INC. (A JOINT
EMPLOYER)**

and

(b) (6), (b) (7)(C) An Individual

Case 01-CA-291235

ORDER RESCHEDULING HEARING

IT IS HEREBY ORDERED that the hearing in the above-entitled matter is rescheduled from Wednesday, February 15, 2023, to **Tuesday, April 11, 2023**, at 10 am, at the Thomas P. O'Neill Jr. Federal Building, 10 Causeway Street, Suite 1002, Boston, Massachusetts. The hearing will continue on consecutive days until concluded.

Dated: February 2, 2023



Laura A. Sacks, Regional Director
National Labor Relations Board
Region 01

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 01**

**EASTERN FISHERIES, INC. AND B.J.'S
SERVICE COMPANY, INC. (A JOINT
EMPLOYER)**

and

(b) (6), (b) (7)(C) an Individual

Case 01-CA-291235

AFFIDAVIT OF SERVICE OF: ORDER RESCHEDULING HEARING

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on **February 2, 2023**, I served the above-entitled document(s) by **electronic and regular mail** upon the following persons, addressed to them at the following addresses:

Eastern Fisheries, Inc.
214 Samuel Barnet Blvd.
New Bedford, MA 02745
Regular Mail

Jessica Kish Kennedy, Atty.
O'Hagan Meyer
111 Huntington Avenue, Suite 719
Boston, MA 02199
Email: jkennedy@ohaganmeyer.com

B.J.'s Service Company, Inc.
222 Herman Melville Blvd
New Bedford, MA 02740-7344
Regular Mail

John F. Whiteside Jr., Esq.
Law Offices of John F. Whiteside, Jr.
678 State Rd
Dartmouth, MA 02747-1809
Email: john@jwhiteside.com

(b) (6), (b) (7)(C)

Regular Mail

Claudia Morera, Esq.
Thomas L. Smith, Esq.
Justice at Work, Inc.
33 Harrison Ave., Suite 501
Boston, MA 02111
Email: cmorera@jatwork.org
Email: tsmith@jatwork.org

Dated: February 2, 2023

Elizabeth C. Person, Designated Agent of NLRB

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
SETTLEMENT AGREEMENT

IN THE MATTER OF

Eastern Fisheries, Inc. and B.J.'s Service Company, Inc. (A Joint Employer)

Case 01-CA-291235

Subject to the approval of the Regional Director for the National Labor Relations Board, the Charged Party and the Charging Party **HEREBY AGREE TO SETTLE THE ABOVE MATTER AS FOLLOWS:**

POSTING OF NOTICE — After the Regional Director has approved this Agreement, the Regional Office will send copies of the approved Notice to the Charged Parties in English, Spanish, Mayan K'iche and in additional languages if the Regional Director decides that it is appropriate to do so. A responsible official of the Charged Parties will then sign and date those Notices and immediately post them in locations where notices to employees are customarily posted. If either of the Employers' place of business is currently closed and a substantial number of employees are not reporting to the facility due to the Coronavirus pandemic or is operating with less than a substantial complement of employees, the 60 consecutive day period for posting will begin when the Employer's place of business reopens and a substantial complement of employees have returned to work. For purposes of this notice posting, a substantial complement of employees is at least 50% of the total number of employees employed by the Employer prior to closing its business due to the Coronavirus pandemic. The Charged Party will keep all Notices posted for 60 consecutive days after the initial posting.

READING OF NOTICE—The Charged Parties will hold a mandatory meeting(s) scheduled to ensure the widest possible attendance on each shift at Charged Party Eastern's Facility, at which a responsible manager for both Charged Parties will read the Notice in English, Spanish, and Mayan K'iche in the presence of a Board agent. The reading will take place at a time when Charged Party Eastern would customarily hold meetings and must be completed between the beginning of the posting period and prior to the completion of the 60-day Notice posting period. The date and time(s) of the reading must be approved by the Regional Director. The announcement of the meeting will be in the same manner Charged Party Eastern normally announces meetings and must be approved by the Regional Director.

MANDATORY TRAINING FOR SUPERVISORS AND MANAGERS — Charged Party Eastern will schedule with Region 1 of the NLRB one mandatory 45-minute training session to take place at its main Facility, during the workday, on paid work time, and for all supervisors and managers. The training session will cover employee rights protected under the National Labor Relations Act and will include additional time for questions and answers. Charged Party Eastern will instruct supervisors and managers to attend the training session. The Region will conduct the training session(s) at an agreed upon date and time, either in person or via a videoconference platform, at the Regional Director's discretion. Should the parties fail to agree upon a training date and/or time, the Regional Director shall have sole discretion to select the date and time for the training session. Charged Party Eastern will create an attendance list including the names of all supervisors and managers in attendance at the mandatory training and will provide a copy of the attendance document to the Regional Director within 14 days from the day of the training session(s).

COMPLIANCE WITH NOTICE — The Charged Parties will comply with all the terms and provisions of said Notice.

PAYMENT OF WAGES AND BENEFITS — Within 14 days from approval of this agreement, the Charged Parties will make whole the employee named below by payment to (b) (6), (b) (7)(C) of the amount opposite (b) (6), (b) (7)(C) name. The Charged Party will make appropriate withholdings for the named employee. No withholdings should be made

Initials: _____ JF _____ (b) (6), (b) (7)(C)

Initials: JF (b) (6), (b) (7)(C)

elected by the Regional Director, a full remedy for the violations found as is appropriate to remedy such violations, and/or an order requiring the Charged Party to perform terms of this settlement agreement as specified by the Regional Director. The parties further agree that a U.S. Court of Appeals Judgment may be entered enforcing the Board order ex parte, after service or attempted service upon Charged Party/Respondent at the last address provided to the General Counsel.

NOTIFICATION OF COMPLIANCE — Each party to this Agreement will notify the Regional Director in writing what steps the Charged Party has taken to comply with the Agreement. This notification shall be given within 5 days, and again after 60 days, from the date of the approval of this Agreement. If the Charging Party does not enter into this Agreement, initial notice shall be given within 5 days after notification from the Regional Director that the Charging Party did not request review or that the General Counsel sustained the Regional Director's approval of this agreement. No further action shall be taken in the above captioned case(s) provided that the Charged Party complies with the terms and conditions of this Settlement Agreement and Notice.

Charged Party Eastern Fisheries, Inc.		Charging Party (b) (6), (b) (7)(C)	
By: Name and Title	Date	By: Name and Title	Date
/s/ Joseph Furtado	2/23/23	/s/ (b) (6), (b) (7)(C)	2/28/2023
Print Name and Title below Joseph Furtado		Print Name and Title below (b) (6), (b) (7)(C)	
Charged Party B.J.'s Service Company, Inc.			
By: Name and Title	Date	THIS SPACE INTENTIONALLY BLANK	
/s/ (b) (6), (b) (7)(C)	2/23/23		
Print Name and Title below (b) (6), (b) (7)(C) Authorized Agent			
Recommended By:	Date	Approved By:	Date
/s/ Meredith Garry	3/1/2023	/s/ Laura A. Sacks	3/2/2023
MEREDITH GARRY		LAURA A. SACKS	
Field Attorney		Regional Director, Region 1	

Initials: JF (b) (6), (b) (7)(C)

(To be printed and posted on official Board notice form)
THE NATIONAL LABOR RELATIONS ACT GIVES YOU THE RIGHT TO:

- Form, join, or assist a union
- Choose a representative to bargain with us on your behalf
- Act together with other employees for your benefit and protection
- Choose not to engage in any of these protected activities

WE WILL NOT do anything to prevent you from exercising the above rights.

YOU HAVE THE RIGHT to engage in protected activities with your fellow employees and others that concern your wages, hours, and working conditions and **WE WILL NOT** do anything to interfere with your exercise of that right.

WE WILL NOT discharge you, end your work assignment, or otherwise discriminate against you for engaging in activity with your coworkers to improve your wages and working conditions, including bringing group concerns to the attention of management, such as restrictions on bathroom use, insufficient work tools, and concerns about changes to your pay.

WE WILL NOT in any like or related manner interfere with your rights under Section 7 of the Act.

WE WILL pay (b) (6), (b) (7)(C) for the wages and benefits (b) (6), (b) (7)(C) lost because we unlawfully terminated (b) (6), (b) (7)(C) and for all direct or foreseeable pecuniary harms suffered as a result of (b) (6), (b) (7)(C) termination.

WE WILL remove from our personnel files all references to the termination of (b) (6), (b) (7)(C); and **WE WILL** notify (b) (6), (b) (7)(C) in writing that this has been done and that the termination will not be used against (b) (6), (b) (7)(C) in any way.

WE WILL ensure that (b) (6), (b) (7)(C) is reinstated to (b) (6), (b) (7)(C) former position at Eastern Fisheries. **Charged Party B.J.'s WILL** reinstate (b) (6), (b) (7)(C) to (b) (6), (b) (7)(C) former position at Eastern Fisheries, without any loss of seniority or other benefits. **Charged Party Eastern Fisheries WILL** place (b) (6), (b) (7)(C) in (b) (6), (b) (7)(C) former position without any loss of any privileges or benefits provided by Charged Party Eastern while (b) (6), (b) (7)(C) worked as (b) (6), (b) (7)(C) at Charged Party Eastern Fisheries' facility prior to (b) (6), (b) (7)(C) termination.

WE WILL have an agent of the National Labor Relations Board train our managers and supervisors about our employees' rights under the National Labor Relations Act.

Eastern Fisheries, Inc. & B.J.'s Service Company, Inc.

(Employer)

Dated: _____ **By:** _____

Initials: _____ JF _____ (b) (6), (b) (7)(C)

(Representative)

(Title)

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. We conduct secret-ballot elections to determine whether employees want union representation and we investigate and remedy unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below or you may call the Board's toll-free number 1-844-762-NLRB (1-844-762-6572). Callers who are deaf or hard of hearing who wish to speak to an NLRB representative should send an email to relay.service@nlrb.gov. An NLRB representative will email the requestor with instructions on how to schedule a relay service call.

Thomas P. O'Neill Jr. Federal Building
10 Causeway St, Room 1002
Boston, MA 02222-1001

Telephone: (617)565-6700
Hours of Operation: 8:30 a.m. to 5 p.m.

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE

This notice must remain posted for 60 consecutive days from the date of posting and must not be altered, defaced or covered by any other material. Any questions concerning this notice or compliance with its provisions may be directed to the above Regional Office's Compliance Officer.

Initials: _____ JF _____

(b) (6), (b) (7)(C)



NOTICE TO EMPLOYEES



POSTED PURSUANT TO A SETTLEMENT AGREEMENT APPROVED BY A REGIONAL DIRECTOR OF THE NATIONAL LABOR RELATIONS BOARD AN AGENCY OF THE UNITED STATES GOVERNMENT

THE NATIONAL LABOR RELATIONS ACT GIVES YOU THE RIGHT TO:

- Form, join, or assist a union
- Choose a representative to bargain with us on your behalf
- Act together with other employees for your benefit and protection
- Choose not to engage in any of these protected activities.

WE WILL NOT do anything to prevent you from exercising the above rights.

YOU HAVE THE RIGHT to engage in protected activities with your fellow employees and others that concern your wages, hours, and working conditions and **WE WILL NOT** do anything to interfere with your exercise of that right.

WE WILL NOT discharge you, end your work assignment, or otherwise discriminate against you for engaging in activity with your coworkers to improve your wages and working conditions, including bringing group concerns to the attention of management, such as restrictions on bathroom use, insufficient work tools, and concerns about changes to your pay.

WE WILL NOT in any like or related manner interfere with your rights under Section 7 of the Act.

WE WILL pay (b) (6), (b) (7)(C) for the wages and benefits (b) (6), (b) (7)(C) lost because we unlawfully terminated (b) (6), (b) (7)(C) and for all direct or foreseeable pecuniary harms suffered as a result of (b) (6), (b) (7)(C) termination.

WE WILL remove from our personnel files all references to the termination of (b) (6), (b) (7)(C); and **WE WILL** notify (b) (6), (b) (7)(C) in writing that this has been done and that the termination will not be used against (b) (6), (b) (7)(C) in any way.

WE WILL ensure that (b) (6), (b) (7)(C) is reinstated to (b) (6), (b) (7)(C) former position at Eastern Fisheries. **Charged Party B.J.'s WILL** reinstate (b) (6), (b) (7)(C) to (b) (6), (b) (7)(C) former position at Eastern Fisheries, without any loss of seniority or other benefits. **Charged Party Eastern Fisheries WILL** place (b) (6), (b) (7)(C) in (b) (6), (b) (7)(C) former position without any loss of any privileges or benefits provided by Charged Party Eastern while (b) (6), (b) (7)(C) worked as (b) (6), (b) (7)(C) at Charged Party Eastern Fisheries' facility prior to (b) (6), (b) (7)(C) termination.

WE WILL have an agent of the National Labor Relations Board train our managers and supervisors about our employees' rights under the National Labor Relations Act.

EASTERN FISHERIES, INC.

(b) (6), (b) (7)(C)

By: _____

(b) (6), (b) (7)(C)

(Title)

(Date)

3/6/23

B.J.'S SERVICE COMPANY, INC.

(Employer)

By: _____

(Representative)

(Title)

(Date)

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. We conduct secret-ballot elections to determine whether employees want union representation and we investigate and remedy unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below or you may call the Board's toll-free number 1-844-762-NLRB (1-844-762-6572). Hearing impaired callers who wish to speak to an Agency representative should contact the Federal Relay Service by visiting its website at <https://www.federalrelay.us/tty> (link is external), calling one of its toll free numbers and asking its Communications Assistant to call our toll free number at 1-844-762-NLRB.

Thomas P. O'Neill, Jr. Federal Building, 10 Causeway St., Room 1002, Boston, MA 02222-1001

Telephone: (617)565-6700 Hours of Operation: 8:30 a.m. to 5 p.m.

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE

This notice must remain posted for 60 consecutive days from the date of posting and must not be altered, defaced or covered by any other material. Any questions concerning this notice or compliance with its provisions may be directed to the Regional office listed above.

PLEASE PRINT ON LEGAL SIZE PAPER

CERTIFICATION OF POSTING

Re: Eastern Fisheries, Inc. and B.J.'s Service Company, Inc. (A Joint Employer)
Case 01-CA-291235

Due : March 23, 2023

As required by the Settlement Agreement in this matter, this document is a sworn certification of the steps that the Charged Party has taken to comply.

Physical Posting: The signed and dated Notice in the above matter was posted on:

(date) March 9, 2023

at the following locations (list specific places of posting ex. 2nd floor break room bulletin board at 1 Main Street facility):

Next to time clocks
Break room on main floor

A legible color copy of the signed Notice in all languages provided, displaying full text of the Notice, including the date, signature and title of the responsible official of the Charged Party must be e-filed together with this Certification of Posting.

I have completed this Certification of Posting and state under penalty of perjury that it is true and correct.

CHARGED PARTY (b) (6), (b) (7)(C)

Signature: _____

Printed Name: _____

Title: _____

Date: 3/9/2023

E-file this form at www.NLRB.gov along with any documentation described above in bold.

CERTIFICATION OF POSTING

Re: Eastern Fisheries, Inc. and B.J.'s Service Company, Inc. (A Joint Employer)
Case 01-CA-291235

Due : March 23, 2023

As required by the Settlement Agreement in this matter, this document is a sworn certification of the steps that the Charged Party has taken to comply.

Physical Posting: The signed and dated Notice in the above matter was posted on:

(date) March 24th, 2023

at the following locations (list specific places of posting ex. 2nd floor break room bulletin board at 1 Main Street facility):

Near Time clocks
1st Floor - near Mandatory posters

A legible color copy of the signed Notice in all languages provided, displaying full text of the Notice, including the date, signature and title of the responsible official of the Charged Party must be e-filed together with this Certification of Posting.

I have completed this Certification of Posting and state under penalty of perjury that it is true and correct.

CHARGED PARTY

Signature:

Printed Name:

Title:

Date:

(b) (6), (b) (7)(C)

3/24/23

E-file this form at www.NLRB.gov along with any documentation described above in bold.

CERTIFICATION OF COMPLIANCE

**Re: Eastern Fisheries, Inc. and B.J.'s Service Company, Inc. (A Joint Employer)
Case 01-CA-291235**

Due : March 23, 2023

As required by the Settlement Agreement in this matter, this document is a sworn certification of the steps that the Charged Party has taken to comply.

Offer Reinstatement: The Settlement Agreement provides that the Charged Party will offer the discriminatee(s) named in the Agreement or Notice reinstatement.

The Charged Party must mail to the/each discriminatee a letter offering immediate and full reinstatement to their former job, or, if that job no longer exists, to a substantially equivalent position, without prejudice to seniority or any other rights and/or privileges previously enjoyed. To be valid, an offer of reinstatement must be firm and unconditional and give the discriminatee a reasonable period to accept and report to work. Likewise, if a discriminatee has obligated themselves to activities that cannot be terminated, they must be given adequate time to disengage themselves before being required to accept reinstatement or abandon reinstatement rights.

The Charged Party offered reinstatement to the discriminatee(s) named in the Settlement Agreement and/or Notice on:

(date) 3/16/2023 via USPS certified mail.

A copy of the offer(s) of reinstatement must be e-filed together with this Certification of Compliance.

Make-Whole: The Settlement Agreement provides that the Charged Party will make whole the discriminatees named below by payment to them in the amounts set forth opposite their name:

Name	Backpay	Interest	Excess Tax Liability	Subtotal (Non-withholdings)
(b) (6), (b) (7)(C)	\$40,820	\$1,305	\$267	\$1,572

Within 14 days from the date of this letter soliciting compliance, the Charged Party must issue checks to the named individuals in the amounts set forth above, less deductions for Social Security and withholding taxes.

One check for backpay should be issued. This amount should be treated as wages in the year paid. See IRS Publication 15-A for more information. If the Charged Party does not have a current W-4 form concerning federal income tax withholding, it should consult IRS Publication 15 for guidance on the correct method to calculate tax withholdings. For federal withholdings, in the absence of a current W-4 form, the Charged Party may withhold at a flat rate of 22% consistent with IRS publication 15. The check must issue with an explanatory statement reflecting deduction amounts from the backpay and front pay i.e. a pay stub.

A second check for the total amount of interest and excess taxes i.e. the amount shown in the column titled "Subtotal (Non-withholdings)," should be issued. No withholding or deductions should be taken from this amount.

The Charged Party must deliver the checks to the discriminatee(s) at their last known address or to any updated address provided by the Region, via a delivery method with tracking service. It is my strong preference that the Charged Party send the checks via UPS. Any checks returned to the Charged Party must be forwarded to the NLRB Regional office.

Alternatively, the Charged Party may issue payments to the discriminatee(s) as discussed above via ACH or direct deposit.

The Charged Party made whole the discriminatee(s) as described in the Settlement Agreement for the loss of wages and benefits on:

(date) 3/22/2023.

The payments were made via:

(method of payment and delivery) **2 checks, in-hand delivery by Constable.**


A copy of the checks/direct deposit information along with the tracking information if the checks were mailed must be e-filed together with this Certification of Compliance.

Report of Backpay Form and IRS Form W-2: The Settlement Agreement provides that the Charged Party will submit an IRS form W-2 and Report of Backpay Paid Under the National Labor Relations Act form (Report of Backpay) that contains certain information for each discriminatee listed in the "Make-Whole" paragraph above.

If the discriminatee no longer works for the Charged Party or has waived or declined reinstatement, the Charged Party must complete and return the Report of Backpay, which is included after this Certification of Compliance via e-file within 14 days from the date of this letter soliciting compliance. Alternatively, if the discriminatee is still employed or will be reinstated, the Charged Party must complete and return the Report by no later than January 31st of next year. The instructions for completing this form are on the page following the form, below.

If the discriminatee no longer works for the Charged Party, it should e-file a completed IRS Form W-2 for each discriminatee at the time it submits the Report of Backpay form, if possible. Otherwise, or if the discriminatee continues to work for the Charged Party, the Charged Party must e-file a completed IRS Form W-2 for each discriminatee by no later than January 31st of next year.

The completed Report of Backpay and W-2's for each discriminatee who received backpay must be e-filed together with this Certification of Compliance.

OR  (initial) The Charged Party agrees to e-file the completed Report of Backpay Paid and IRS W-2 Form(s) by no later than January 31st of next year.

Expunge Files: The Settlement Agreement provides that the Charged Party will remove from its files all references to the adverse action(s) (ex. discipline, discharge, lay-off, suspension) towards the discriminatee(s) listed in the Settlement Agreement and/or Notice.

The Charged Party must send a letter to the discriminatee(s) advising that: (1) all references to the adverse action(s) have been removed from the Charged Party's files; and (2) the adverse action(s) will not be used against them in any way.

Please note that the expungement letter must not limit where the removal of the unlawful discipline or action occurred by including statements such as "your personnel file" or "your employee file". The

letter must state that all references have been removed from all files maintained by the Charged Party.

A copy of the expungement letter(s) must be e-filed together with this Certification of Compliance.

I have completed this Certification of Compliance and state under penalty of perjury that it is true and correct.

CHARGED PARTY

Signature:  DocuSigned by:
(b) (6), (b) (7)(C)
EEBF855E9A5D47A...

Printed Name: (b) (6), (b) (7)(C)

Title: (b) (6), (b) (7)(C)

Date: 3/23/2023

E-file this form at www.NLRB.gov along with any documentation described above in bold.

CERTIFICATION OF POSTING

Re: Eastern Fisheries, Inc. and B.J.'s Service Company, Inc. (A Joint Employer)
Case 01-CA-291235

Due : March 23, 2023

As required by the Settlement Agreement in this matter, this document is a sworn certification of the steps that the Charged Party has taken to comply.

Physical Posting: The signed and dated Notice in the above matter was posted on:

(date) 3/16/2023

at the following locations (list specific places of posting ex. 2nd floor break room bulletin board at 1 Main Street facility):

On 3/16/23 the Notice in English and the Notice in Spanish were posted in the reception area of B.J.'s Service Company, Inc., at 222 Herman Melville Blvd., New Bedford, MA. The Notice in K'iche' was posted on 3/24/23.

A legible color copy of the signed Notice in all languages provided, displaying full text of the Notice, including the date, signature and title of the responsible official of the Charged Party must be e-filed together with this Certification of Posting.

I have completed this Certification of Posting and state under penalty of perjury that it is true and correct, with the exception of the Posting in K'iche' which will be completed after the NLRB provides said Notice in K'iche'.

CHARGED PARTY

Signature

(b) (6), (b) (7)(C)

Printed Name:

(b) (6), (b) (7)(C)

Title:

(b) (6), (b) (7)(C)

Date:

3/16/2023

E-file this form at www.NLRB.gov along with any documentation described above in bold.

SUPPLEMENTAL CERTIFICATION OF COMPLIANCE: NOTICE READING AND TRAINING

Re: Eastern Fisheries, Inc. and B.J.'s Service Company, Inc. (A Joint Employer)
Case 01-CA-291235

Due: Within 7 days after the Notice reading and training

As required by the Settlement Agreement in this matter, this document is a sworn certification of the steps that the Charged Party has taken to comply.

In-Person Reading of the Notice: The Settlement Agreement provides that the Charged Party will hold a mandatory meeting or meetings, scheduled to ensure the widest possible attendance for each shift, at which a responsible management official of the Charged Party (or a specific individual as set forth in the Settlement Agreement) will read the Notice in English and any other languages deemed necessary by the Region, in the presence of a Board agent.

Within 14 days from the date of this Letter Soliciting Compliance, please provide me via email at megan.nentwich@nlrb.gov the proposed date(s) and time(s) that the Charged Party wishes to conduct the meeting(s) at which the Notice will be read and the proposed method of meeting announcement, which should be the same manner the Charged Party normally announces meetings to employees. Note that the reading must occur prior to the completion of the 60-day notice posting period.

After the Region has approved the proposed date(s) and time(s) and method of announcement, the Charged Party must announce the meeting to employees.

The Notice was read on:

(date/s and time/s) May 4th, 2023 at 12:00 p.m.

The following individual read the Notice:

(Responsible official's name and title) (b) (6), (b) (7)(C)

Mandatory Training for Supervisors and Managers: The Settlement Agreement provides that the Charged Party will hold one mandatory 45-minute training session, with additional time for questions and answers, to take place at the locations described in the Settlement Agreement. The training must take place during the workday and on paid work time for all supervisors and managers.

Within 14 days from the date of this Letter Soliciting Compliance, please provide me via email at megan.nentwich@nlrb.gov the proposed date, time, and location that the Charged Party wishes to hold the training. Note that the training must occur prior to the completion of the 60-day notice posting period.

After the Region has approved the proposed date, time and location, the Charged Party must instruct all supervisors, and managers to attend the training session.

The training for managers and supervisors was held on:

(date and time) May 4th, 2023 at 12:15 p.m.

An attendance list including the names of all supervisors and managers in attendance at the mandatory training must be e-filed together with this Certification of Compliance.

I have completed this Supplemental Certification of Compliance and state under penalty of perjury that it is true and correct.

CHARGED PARTY

Signature:

(b) (6), (b) (7)(C)

Printed Name:

Title:

Date:

May 8, 2023

E-file this form at www.NLRB.gov along with any documentation described above in bold.